

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DWAYNE EDWARD ABRAHAM,

2:13-CV-00827-AC

Plaintiff,

ORDER

v.

OREGON DEPARTMENT OF  
CORRECTIONS; MAX WILLIAM,  
Director of ODOC; DAN JOHNSON,  
Superintendent of PCRI;  
STAN CZERNIAK, Assistant  
Director of ODOC; MS. BALLARD,  
Counselor at PRCI; DON WILLIAM,  
Program Service Manager, PRCI;  
GINGER MARTIN, Assistant Director  
of ODOC Transitional Services,

Defendants.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and  
Recommendation (#55) on August 13, 2014, in which he recommends  
the Court grant Defendants' Motion (#42) for Summary Judgment as

to Plaintiff's First and Second Claims and dismiss Plaintiff's Second Claim for lack of subject-matter jurisdiction. Plaintiff filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also Dawson v. Marshall*, 561 F.3d 930, 932 (9<sup>th</sup> Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*).

This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

#### **CONCLUSION**

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#55) and, therefore, **GRANTS** Defendants' Motion (#42) for Summary Judgment as to Plaintiff's First and Third Claims and **DISMISSES** Plaintiff's Second Claim for lack of

subject-matter jurisdiction.

IT IS SO ORDERED.

DATED this 2<sup>nd</sup> day of October, 2014.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge